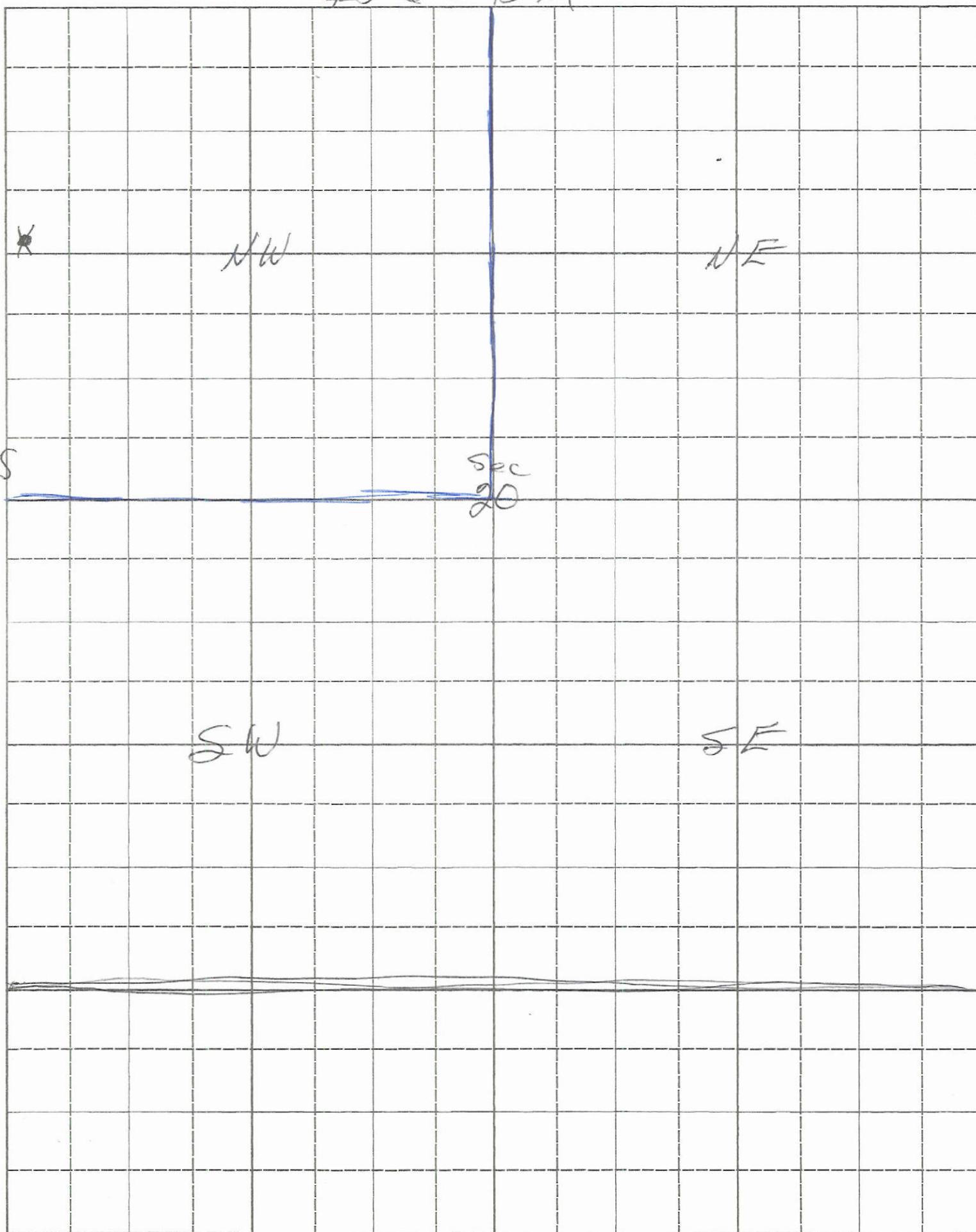


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

~~6E~~ 6E BM



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

*Bernard L. Brown*  
(Applicant)



✓

17 16  
20 21

84114

Well  
B  
79.8

X

80 X

MICROFILMED

A  
312.7

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29 28

19 20  
20 21

NOT TO SCALE



STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**TRANSFER OF WATER RIGHT**

TRANSFER NO. 5547  
WATER RIGHT NO(S). 61-02154/61-07005/61-07396/61-10378

This is to certify that: **BERNARD L BROWN**  
**655 E 19 N**  
**MOUNTAIN HOME ID 83647**

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 61-02154 :			
IRRIGATION	03/15 to 11/15	5.44 CFS	1088.0 AF
Priority: 01/14/1963			
Right No. 61-10378 :			
IRRIGATION	03/15 to 11/15	0.80 CFS	188.0 AF
Priority: 04/30/1974			
	<b>SUBTOTAL:</b>	<b>* 5.44 CFS</b>	<b>1276.0 AF</b>
Right No. 61-07005 :			
IRRIGATION	03/01 to 10/15	5.24 CFS	1280.0 AF
Priority: 08/23/1967			
Right No. 61-07396 :			
IRRIGATION	03/15 to 11/15	2.20 CFS	640.0 AF
Priority: 01/04/1980			
	<b>TOTAL:</b>	<b>12.88 CFS</b>	<b>3196.0 AF</b>

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

SESE , Sec. 18, Township 04S, Range 06E  
Lot 1 (NWNW), Sec. 19, Township 04S, Range 06E  
SENE , Sec. 20, Township 04S, Range 06E  
NWNW , Sec. 20, Township 04S, Range 06E  
ELMORE County

**MICROFILMED**

**JAN 28 2000**

TRANSFER NO. 5547  
WATER RIGHT NO(S). 61-02154/61-07005/61-07396/61-10378

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04S	06E	19	NENE 40	NWNE 40	SWNE 39	
			SENE 39	NENW 40	Lot 1 (NWNW) 41	
		Lot 2 (SWNW)	41	SENE 39		319
	20		NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	
			SWNW 40	SENE 40	NESE 40	
			NWSE 40	SWSE 40	SESE 40	480
Total number of acres irrigated:						** 799

CONDITIONS OF APPROVAL AND REMARKS

1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. The total instantaneous diversion of water from all points of diversion under Transfer 5547 shall not exceed 12.88 cfs nor a total combined annual volume of 3196.0 af.
5. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
6. After specific notification by the department, the right holder shall measure the diversion or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
8. Right 61-10378 is an enlargement of Right 61-02154 pursuant to Section 42-1426, Idaho Code.
9. Approval of Transfer 5547 does not confirm Claimed Right 61-10378.
10. Right 61-10378 is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

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JAN 28 2000

TRANSFER NO. 5547  
WATER RIGHT NO(S). 61-02154/61-07005/61-07396/61-10378

CONDITIONS OF APPROVAL AND REMARKS

- \* 11. Rights 61-02154 and 61-10378 when combined shall not exceed a total diversion rate of 5.44 cfs.
- \*\* 12. Right 61-02154 is limited to the irrigation of 272 acres within the place of use described above in a single irrigation season.
- \*\* 13. Right 61-07005 is limited to the irrigation of 320 acres within the place of use described above in a single irrigation season.
- \*\* 14. Right 61-07396 is limited to the irrigation of 160 acres within the place of use described above in a single irrigation season.
- \*\* 15. Right 61-10378 is limited to the irrigation of 47 acres within the place of use described above in a single irrigation season.
- 16. The period of use for the irrigation under Right 61-07005 may be extended to an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
- 17. All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.

Dated this 5<sup>th</sup> day of January, 2000.

  
Chief, Water Allocation Bureau

MICROFILMED  
JAN 28 2000

MEMORANDUM

TO: FILES 61-2155, 61-7005, 61-7396

FROM: Jim Johnson

DATE: March 16, 1989

RE: CHANGE IN OWNERSHIP OF WATER RIGHTS

=====

SEE FILE 61-2124 FOR ORIGINAL CORRESPONDENCE SHOWING CHANGE IN OWNERSHIP TO FARM CREDIT SERVICES.

**MICROFILMED**

MAY 12 1989

State of Idaho  
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 61-7396 Priority January 4, 1980 Amount 2.20 cfs

THIS IS TO CERTIFY, that Bernard L. Brown  
of Mountain Home, Idaho, has complied with the terms and conditions of Permit  
No. 61-7396 issued pursuant to Application for Permit dated January 4, 1980,  
and has submitted proof to the Department of Water Resources on January 6, 1981,  
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a  
capacity for the diversion of 2.20 cfs of water from a groundwater source,  
tributary to \_\_\_\_\_, and that the permit holder has applied to a beneficial use and  
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	<u>from March 15 to November 15</u>	<u>at 2.20 cfs</u>	<u>and 720.0 acre feet</u>
_____	_____	_____	_____
_____	_____	_____	_____

(both dates inclusive)

Subject, however, to the condition that no more than 2.20 cfs of water be diverted at any one time, and  
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose  
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed  
720.0 acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ NW $\frac{1}{4}$  Section 20,  
Twp 4S, Rge 6E in the County of Elmore

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
4S	6E	20					40	40	40	40									160

Total number of acres irrigated 160

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, and is subject to all prior water rights, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 19<sup>TH</sup> day of MAY, 19 84.

Acting for the Director

*Roman C. Young*

MICROFILMED

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Bernard L. Brown Phone 587-3535  
Post office address 655 E 19 N Mtn Home, Id 83647  
2. Source of water supply Groundwater which is a tributary of \_\_\_\_\_  
3. Location of point of diversion is NW  $\frac{1}{4}$  of NW  $\frac{1}{4}$  of Section 20 Township 45  
Range 6E B.M. Elmore County, additional points of diversion if any: \_\_\_\_\_

4. Water will be used for the following purposes:

Amount 3.2 for Irrigation purposes from 3/1 to 11/1 (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 3.2 cubic feet per second and/or b. \_\_\_\_\_ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. 200 hp pump 10 inch  
mainline & center pivot

b. Height of storage dam \_\_\_\_\_ feet, active reservoir capacity \_\_\_\_\_ acre-feet; total reservoir capacity \_\_\_\_\_ acre-feet, materials used in storage dam: \_\_\_\_\_

Period of year when water will be diverted to storage \_\_\_\_\_ to \_\_\_\_\_ inclusive.  
(Month/Day) (Month/Day)

c. Proposed well diameter is 16 " inches; proposed depth of well is 550 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years (minimum 1 year - maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: \_\_\_\_\_  $\frac{1}{4}$  of \_\_\_\_\_  $\frac{1}{4}$  of Section \_\_\_\_\_ Township \_\_\_\_\_  
Range \_\_\_\_\_ B.M.

(2) Amount of power to be generated: \_\_\_\_\_ horsepower under \_\_\_\_\_ feet of head.

(3) List number of each kind of livestock to be watered \_\_\_\_\_

(4) Name of municipality to be served \_\_\_\_\_, or number of families to be supplied with domestic water \_\_\_\_\_.

(5) If water is to be used for other purposes describe: \_\_\_\_\_

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JAN 4 1980  
MICROFILMED  
Department of Water  
Western Regional Office



b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
45	6E	20					40	40	40	40									160

Total number of acres to be irrigated 160

c. Describe any other water rights used for the same purposes as described above. None

9. a. Who owns the property at the point of diversion Bernard L. Brown

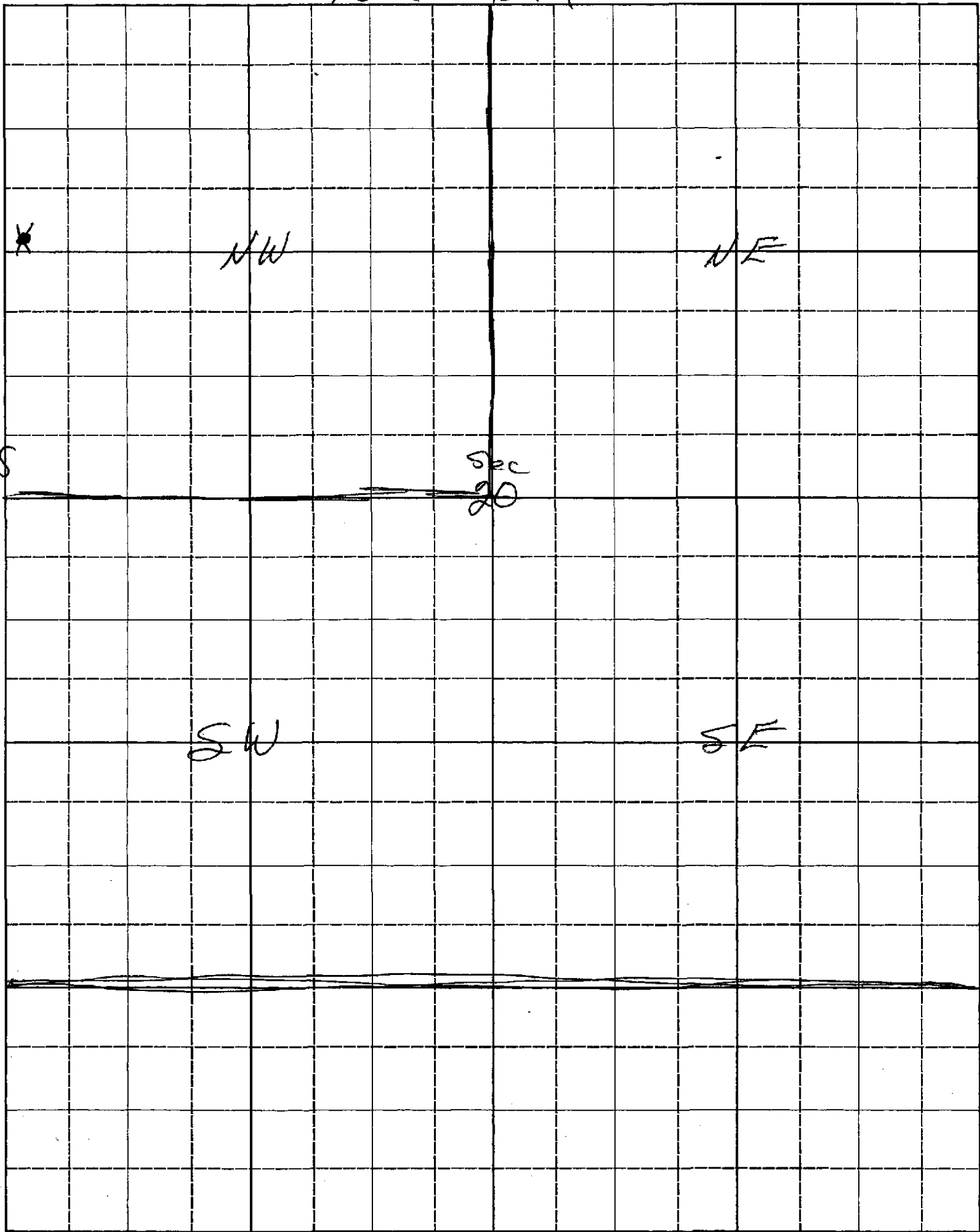
b. Who owns the land to be irrigated or place of use Same

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing

10. Remarks

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

~~6E~~ 6E BM



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

*Bernard L. Brown*  
(Applicant)

Proposed Priority 1/4/80  
Received by ig Date 1-4-80 Time 3:30 pm  
Preliminary check by CLS Fee \$ 72-318 35.00  
Received by KR Date 1/8/80  
Publication prepared by DBS Date 1/10/80  
Published in Mt. Home News  
Publication dates 1/17+1/24/80  
Publication approved KR Date 2/4/80  
Protests filed by: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Copies of protests forwarded by \_\_\_\_\_  
Hearing held by \_\_\_\_\_ Date \_\_\_\_\_  
Recommended for approval denial by ig

**ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES**

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 61-7396, and said application is hereby approved.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before February 1, 19 85.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: (1) An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

Witness my hand this 15<sup>th</sup> day of February, 19 80.

J. Glen Saxton  
Chief, Operations Bureau



**NOTICE OF APPLICATION  
FOR WATER RIGHT**

Notice is hereby given that the following applications have been submitted for permit to appropriate the public waters of the State of Idaho:

**61-7395**

TAYLOR, STEVEN J.  
P.O. BOX 69, GLENNS FERRY, ID  
83623

Source: WASTEWATER tributary  
to ALKALI CREEK  
Dated Filed: 12/31/1979  
Amount: 1.41 CFS  
Diversion Point: SENE Sec 27 T 05S  
R 09E, ELMORE Co.  
Use: IRRIGATION (1.41 CFS) from  
03/15 to 11/15

Place of Use: SENE Sec 22 T 06S R  
09E NENE SWNE SENE NENE  
NWSE Sec 27 T 05S R 09E FOR 70  
ACRES

Diversion Means: PUMP & SUMP,  
MAIN LINE AND HAND LINE  
SPRINKLERS

**61-7396**

BROWN, BERNARD L.  
655 E. 19 N., MOUNTAIN HOME,  
ID 83647

Source: GROUNDWATER  
Date Filed: 01/04/1980  
Amount: 3.20 CFS  
Diversion Point: NWNW Sec 20 T  
04S R 06E, ELMORE Co.  
Use: IRRIGATION (3.20 CFS) from  
03/01 to 11/01

Place of Use: NENW NWNW  
SWNW SENW Sec 20 T 04S R 06E  
FOR 160 ACRES

Diversion Means: WELL, PUMP,  
MAINLINE AND CENTER PIVOT

It is noted that the fee will be paid at  
the time the granting of any permit  
must be filed with the Director of the  
Idaho Department of Water Resources,  
92 S. Cole Road, Boise, Idaho 83709 on  
or before FEBRUARY 4, 1980.

C. STEPHEN ALLRED

(Signature)  
C. Stephen Allred, Director

**Affidavit of Publication**

County of Elmore }  
STATE OF IDAHO } ss.

I, ... Lloyd S. Waters ... do  
solemnly swear that I am the foreman, or  
publisher of the

**MOUNTAIN HOME NEWS**

a weekly newspaper of general circulation,  
published once a week at MOUNTAIN HOME,  
IDAHO, that the notice attached hereto and  
which is a part of the proof of publication  
thereof, was published in said newspaper for

... 2 ... consecutive weeks, the first publica-  
tion having been made on the ... 17 ... day  
of ... January ... 1980, and  
the last publication having been made on the  
... 24 ... day of ... January ...  
19...80...; every Thursday issue of the paper

during the period and time of publication and  
that the notice was published in the newspaper  
proper and not in a supplement thereof.

And I further swear that the said MOUN-  
TAIN HOME NEWS has been continuously and  
uninterruptedly published in said Elmore County  
during a period of 78 consecutive weeks prior  
to the first publication of the attached notice.

Lloyd S. Waters

Subscribed and sworn to me this 24...

day of ... January ... 1980.

Martha L. Svenson  
Notary Public

JAN 24 1980

Department of Water Resources  
Western Regional Office

**MICROFILMED**

## MEMORANDUM

**DATE:** December 30, 1999

**TO:** Transfer No. 5547

**FROM:** Shelley W. Keen *(SWK)*

**RE:** Purpose of the transfer

---

Transfer No. 5547 combines irrigation water rights 61-02154, 61-07005, 61-07396, and claim 61-10378 into a permissible place of use of 799 acres and adds a new point of diversion in the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 18, T4S, R6E. To be consistent with our regular practice, the transfer approval updates the annual volume authorized under each right to the current standard of 4.0 af/acre.

MICROFILMED  
JAN 28 2000

## MEMORANDUM

**DATE:** December 30, 1999

**TO:** Transfer No. 5547

**FROM:** Shelley W. Keen *(Suk)*

**RE:** Purpose of the transfer

---

Transfer No. 5547 combines irrigation water rights 61-02154, 61-07005, 61-07396, and claim 61-10378 into a permissible place of use of 799 acres and adds a new point of diversion in the SE¼SE¼ of Section 18, T4S, R6E. To be consistent with our regular practice, the transfer approval updates the annual volume authorized under each right to the current standard of 4.0 af/acre.

MICROFILMED

JAN 28 2000



MEMORANDUM

TO: FILE 61-07396  
FROM: PAM SKAGGS  
RE: TRANSFER # 5547  
DATE: 8/3/89

-----  
Original Transfer Application, Form and correspondence regarding the above referenced Transfer is located within file # 61-02154.

MICROFILMED

JAN 28 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

April 4, 1989

RE: Water Right Nos. 61-2154/2155/7005/7396

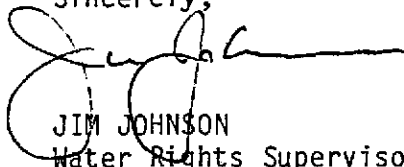
Rod Endow  
Farm Credit Services  
3380 Elder St.  
P.O. Box 15367  
Boise, ID 83715

Dear Mr. Endow:

We have received your letter of January 12, 1989 regarding the transfer of ownership of the above referenced water rights. We have modified our computer records to show Farm Credit Services of Caldwell as the present owner of the rights.

If you have any questions concerning this matter, please feel free to contact our office.

Sincerely,



JIM JOHNSON  
Water Rights Supervisor

JJ:hm

Enclosure

INDEXED

MAY 12 1989



**Farm Credit Services**  
Boise

3380 Elder Street  
P.O. Box 15367  
Boise, Idaho 83715  
208/343-7782  
1-800-821-0106 (in state only)

January 12, 1989

State of Idaho  
Department of Water Resources  
450 West State  
Boise, Idaho 83720

RECEIVED  
JAN 16 1989

Department of Water Resources

RE: Transfer of Water Licenses

Dear Sir:

Attached is a copy of the Nonmerger Warranty Deed in Lieu of Foreclosure from Bernard L. and Norma Jean Brown to The Federal Land Bank of Spokane, predecessor to Farm Credit Bank of Spokane, dated August 29, 1986, which transfers the following water licenses: 61-7005; 30901 (61-2154); 30902 (61-2155); and 61-7396.

Notice is hereby given that Farm Credit Bank of Spokane, successor by merger to The Federal Land Bank of Spokane is vested owner of the real estate described on Exhibit C covered by above referenced water licenses. You are hereby requested to notify FARM CREDIT SERVICES-Caldwell, P. O. Box 730, Caldwell, Idaho 83606-0730, of any requested change in status of said water rights prior to any action taken.

Sincerely,

FARM CREDIT SERVICES  
Boise

ROD ENDOW  
Branch Manager

The above notice has been filed in the office of the Department of Water Resources of the State of Idaho on \_\_\_\_\_.

DEPARTMENT OF WATER RESOURCES

\_\_\_\_\_  
Authorized Agent

Please return executed letter to FARM CREDIT SERVICES-Caldwell at the address shown above, in the enclosed self-addressed stamped envelope, retaining one copy for your records.

MAY 12 1989

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EXHIBIT "A"

TOWNSHIP 4 SOUTH, RANGE 6 EAST, BOISE MERIDIAN,  
ELMORE COUNTY, IDAHO

Section 19: All

SAVE AND EXCEPT those portions deeded to the  
Mountain Home Highway District by Deed recorded  
October 8, 1969 as Instrument No. 141109 and  
SAVE AND EXCEPT those portions deeded to Glenns  
Ferry Highway District by Deed recorded June 14,  
1983 as Instrument No. 215825.

Section 20: E $\frac{1}{2}$  and NW $\frac{1}{4}$

SAVE AND EXCEPT those portions deeded to Mountain  
Home Highway District by Deed recorded October 3,  
1969 as Instrument No. 141089.

RECORDED

MAY 12 1989

STATE OF IDAHO )  
County of Ada ) : SS.

On this 29 day of August, 1986, before me the undersigned, a Notary Public for the State of Idaho, personally appeared NORMA JEAN BROWN, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same as her free and voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

[Signature]  
Notary Public for the State of Idaho:  
Residing at: Bow, Idaho  
My commission expires: 11-10-87



MICROFILMED

MAY 12 1989

Spokane dated January 2, 1981, and recorded January 7, 1981, as Instrument No. 200039, and reamortized by Mortgage Reamortization Agreement dated February 10, 1982, and recorded February 17, 1982, as Instrument No. 207069, Records of Elmore County, Idaho, except by action to enforce the mortgage by judicial foreclosure and sale. This deed shall not operate to preclude Grantee from proceeding in any action to enforce the mortgage, but shall be construed to preclude Grantee from obtaining a deficiency judgment against Grantor.


Grantor does hereby waive, surrender, convey, and relinquish any equity of redemption and statutory rights of redemption concerning the property and mortgage described above.


Possession of the property is surrendered and delivered to Grantee.

Grantor declares that this conveyance is freely and fairly made, and that there are no agreements, oral or written, other than this deed between Grantor and Grantee with respect to said property.

Grantor is not acting under any misapprehension as to the legal effect of this deed, nor under any duress, undue influence, or misrepresentation of Grantee, its agent, or attorney, or any other person.

IN WITNESS WHEREOF, the Grantor has hereunto set his hands the day and year first above written.

  
Bernard L. Brown

  
Norma Jean Brown

STATE OF IDAHO )  
County of Ada ) : SS.

On this 29 day of August, 1986, before me the undersigned, a Notary Public for the State of Idaho, personally appeared BERNARD L. BROWN, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same as his free and voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

238017

ELMORE COUNTY, IDAHO, SS

Request of

GUARANTY TITLE, INC.

Time 10:14 A M.

Date October 20, 1986

Book \_\_\_\_\_ of \_\_\_\_\_

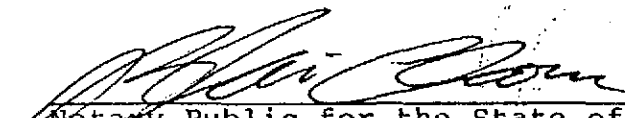
Page \_\_\_\_\_

RAMONA VRAZABAL

By Merla L. Becker

Deputy

Fee \$ 8.00

  
Notary Public for the State of Idaho.  
Residing at: Boise Idaho  
My commission expires: 11-10-87

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MAY 12 1989



RECEIVED  
JAN 16 1989

NONMERGER WARRANTY DEED IN LIEU OF FORECLOSURE

Department of Water Resources

Bernard L. and Norma Jean Brown  
FLB Loan No. 185936-8

THIS DEED, made this 29 day of August, 1986, between Bernard L. Brown and Norma Jean Brown, husband and wife, the Grantor, and THE FEDERAL LAND BANK OF SPOKANE, a corporation, whose mailing address is West 601 First Avenue, TAF-C5, Spokane, Washington 99220, the Grantee,

WITNESSETH, that the Grantor, for and in consideration of the covenants hereinafter contained and other good and valuable consideration, does by these presents grant, convey and warrant, unto the Grantee, and to its successors and assigns, forever, all the property described on Exhibit "A" attached hereto and incorporated herein.

ALL SITUATE IN County of Elmore, State of Idaho, as subject to rights of way and easements for roads, utilities, and irrigation ditches as same exist or appear of record.

Together with all water and water rights used upon or appurtenant to said property and/or shares of stock or water in any ditch or irrigation company which, in any manner, entitles Grantor to water, including but not limited to Licenses No. 61-7005, 30901, 30902, and 61-7396, and any and all tenements, hereditaments, easements, rights, privileges and appurtenances thereunto belonging or used in connection therewith, and the reversions, remainders, rents, issues and profits thereof. 61-2154 61-2155

TO HAVE AND TO HOLD, all and singular, the said property, together with the appurtenances, unto the said Grantee, and to its successors and assigns forever. Grantor covenants with Grantee that the former is now seized in fee simple of the property granted; that the latter shall enjoy the same without any lawful disturbance; that the same is free from all encumbrances; that Grantor and all persons acquiring any interest in the same through or for them will, on demand, execute and deliver to Grantee at the expense of the latter, any further assurance of the same that may be reasonably required; and that Grantor will warrant to Grantee all of the said property against every person lawfully claiming the same.

This deed is absolute in effect and conveys fee simple title of the property above described to the Grantee and does not operate as a mortgage, trust conveyance, or security of any kind.

The acceptance of this conveyance by Grantee is conditioned upon there being no other liens against the property, except for real property taxes owing, the rights of way and easements referred to above, and the mortgage described below.

This deed does not effect a merger of the fee ownership and the lien of the mortgage described herein. The fee and lien shall hereafter remain separate and distinct. It is not the intent of the parties to affect the subrogation rights of any third parties.

The true consideration for this conveyance is that upon Grantee's recordation of this deed, Grantee covenants and agrees with Grantor that Grantee shall assume Grantor's obligations to pay the real property taxes on this property, title insurance costs, and recording fees incurred in connection with this conveyance and shall not enforce any judgment against Grantor on the indebtedness evidenced by the promissory note secured by the mortgage executed by Bernard L. Brown and Norma Jean Brown to the Federal Land Bank of Spokane. 61-2154 61-2155

MAY 12 1989



State of Idaho

# DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:  
Statehouse  
Boise, Idaho 83720  
(208) 334-4440

May 21, 1984

RE: Permit No. 61-7396

Bernard L. Brown  
655 E. 19 N.  
Mtn. Home, ID 83647

Dear Mr. Brown:

Enclosed herewith is a copy of the Water Right License issued on the above referenced Permit.

Sincerely,

JIM JOHNSON  
Water Distribution Supervisor

JJ:sc

Enclosure

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State of Idaho

## DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS  
Governor

A. KENNETH DUNN  
Director

April 9, 1984

Mailing address:  
Statehouse  
Boise, Idaho 83720  
(208) 334-4440

RE: Permit No. 61-7396

Bernard L. Brown  
655 E. 19 N.  
Mtn. Home, ID 83647

Dear Mr. Brown:

A representative of this Department has made an examination of the works covered by your Permit No. 61-7396, and has found the following:

Amount of water that can be recognized as beneficially used under  
Idaho law: 2.20 cfs Source: groundwater

The maximum quantity diverted shall not exceed 719.1 acre feet  
per year.

Point(s) of diversion: NW $\frac{1}{4}$ NW $\frac{1}{4}$  Section 20, Twp 4S, Rge 6E

Beneficial use: Irrigation of 160 acres within NW $\frac{1}{4}$ , Sec. 20, Twp 4S, Rge 6E

Priority date established: January 4, 1980

Conditions (if any):

Also, on your permit you proposed an irrigation period of 3/1 to 11/1.  
Our office identifies a period of 3/15 to 11/15 for your area. If you  
do not concur with this and the above findings please contact us within 10 days,  
otherwise a water license will be issued as set forth above.

Sincerely,

JIM JOHNSON  
Water Distribution Supervisor

JJ:kw

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State of Idaho  
DEPARTMENT OF WATER RESOURCES  
FIELD REPORT

61-7396

Permit No.

CONTACT WITH PERMIT HOLDER

	DATE	INITIALS	REMARKS
<input checked="" type="checkbox"/> Appointment letter mailed:	1/13/81	WLA	no appt. made.
<input type="checkbox"/> Telephone call made: (List Telephone No. used)			
<input type="checkbox"/> Appointment scheduled for: (Date, time, location)			

EXAMINATION

Date 23 July 1981 Accompanied by MR. BROWN Total Q measured 2.20 CFS  
If source is surface water, estimate total flow of source \_\_\_\_\_  
Methods of measurement ANNULAR Meets Permit requirements? YES  
METER # 65806

Measurement calculations:

$6.5" \times 4.5 \times 10" \text{ probe} = 2.20 \checkmark$

$V = 160 \times 4.5 = 720.0 \text{ AF (round acres up, as per license)}$

$V = 159.8 \times 4.5 = 719.1 \text{ AF} \checkmark \quad V = 2.20 \times 1.9835 \times 245 = 1069.1 \text{ AF}$

WELL/DIVERSION* NO.	HP	MOTOR MAKE	MOTOR SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEV.	REMARKS
	2000	US Electric	R-6549	wellmate	780051	ANNULAR	GOOD	ad probe # 65806

System Description well, pump, pipeline to center pivot

\*Code with map on reverse side. Disregard code if only one.

RECOMMENDED AMOUNTS

USE	Irrigation requirement = <u>4.5</u> AFA/Acre			
	Q (cfs)	V (afa)	FROM	TO
<u>IRRIGATION</u> $\checkmark$	<u>2.20</u> $\checkmark$	<u>678.6</u>	<u>3/15</u> $\checkmark$	<u>11/15</u> $\checkmark$
		<u>719.1</u>	<u>245 days</u>	
		<u>720.0</u>		
		<u>720.0</u>		
		<u>719.1</u>		
Total	<u>2.20</u> $\checkmark$	<u>678.6</u>		

Remarks \_\_\_\_\_

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MAP (Attach Aerial Photo)


SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)

Point(s) of diversion: NW NW 20 9S 6E ✓

Place(s) of Use ✓

TWP.	RGE.	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4S	6E	20					10	39.8	10	40									159.8

Recommended Amendments:

- ☐ Change P.D. as reflected above  
☐ Change P.U. as reflected above

- ☐ Add P.D. as reflected above  
☐ Add P.U. as reflected above

- ☒ None  
☐ Other

Examiner's Signature [Signature]  
 Checked by 6.1. Sisco  
 Approved by Kay Walker  
Kay Walker

Date 27 July 1982  
 Date 2/25/82  
 Date 2-21-84  
4-27-84

12/16

✓

11/17/8

11/17/8

X



Overlap Review for 61-7396

as per micro-fiche 2/21/84 -

p/d → 61-7232 gw - stock, domestic uses

p/u → 61-7119 gw

61-7232 - domestic use - same 40-acre tract - this well has only a 5hp pump - believe different wells - platted different on accompanying maps - no meter number on pump for 61-7232 - preparing license

61-7119 - DLE - not approved yet - no overlap.

no overlaps

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State of Idaho

## DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 92 South Cole Road, Boise, Idaho 83709

JOHN V. EVANS  
Governor

(Office at the corner of  
Franklin and Cole Roads)

C. STEPHEN ALLRED  
Director

(208) 384-2190

January 13, 1981

Bernard L. Brown  
655 E. 19 N.  
Mountain Home, Idaho 83647

RE: Permit No. 61-7396

Dear Mr. Brown:

We acknowledge receipt of your statement submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department.

☐ A field examination of your system has been scheduled for \_\_\_\_\_.

If this time and date is not convenient for you, please contact this office as soon as possible.

☒ A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office.

Sincerely,

Kay Walker  
Secretary

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# DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 61-7396

Name(s) of Permit Holder: Bernard L. Brown

Post Office Address: 655 E. 19 N.

Mountain Home, ID

Tel. No. 587-3535

Source of Water: Groundwater

Extent of Use:

<input type="checkbox"/> Domestic	_____	(number of households)
<input type="checkbox"/> Stockwater	_____	(number and type of stock)
<input checked="" type="checkbox"/> Irrigation	<u>160</u>	(acres)
<input type="checkbox"/> Other	_____	

Measuring Device: Required? ☐ Yes ☐ No

Access Port: Required? ☒ Yes ☐ No

Installed? ☐ Yes ☐ No

Installed? ☒ Yes ☐ No

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The above information is a true statement of the extent to which the above number of permit has been developed.

1/6/81  
Date

Bernard L. Brown  
Signature of Permit Holder

PLACE  
TEN CENT  
STAMP  
HERE



IDAHO DEPARTMENT OF WATER RESOURCES  
STATEHOUSE  
BOISE, IDAHO 83720

*Received  
1-6-1981*



State of Idaho

## DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:  
Statehouse  
Boise, Idaho 83720  
(208) 334-4440

February 15, 1980

Bernard L. Brown  
655 E. 19th N.  
Mtn. Home, Idaho 83647

Dear Mr. Brown,

RE: Permit No. 61-7396

Enclosed is a copy of your approved Application for Permit. We direct your attention to the conditions of approval on the fourth page.

Be sure to note the special condition requiring you to install an access port or other device to provide for the installation of measuring equipment by the Department. Enclosed are specifications for the installation of the access port, as well as a list of measuring device options.

The exercise of this permit may also be affected by the court's determination of water rights in the case of Idaho Power Company v. State of Idaho, et al., Civil No. 62237, currently pending before the District Court of Ada County.

Idaho Power officials tell us that because of Case No. U-1006-124 filed before the Idaho Public Utilities Commission, Idaho Power Company is asking the District Court of Ada County to determine whether the Power Company's water rights on the Snake River are protected against subsequent upstream appropriations in the waters of the Snake River and surface and subterranean tributaries between Milner Dam and Hells Canyon.

Since the use of water under your permit may affect the flows in this reach of the Snake River, the final decision in Idaho Power Company v. State of Idaho, et al. (Ada County Civil No. 62237) may determine to what extent the exercise of your permit may be subject to the water rights of Idaho Power.

While the Ada County court is examining this question, Idaho Power Company has not filed a specific protest to your permit. However, the Department of Water Resources has been advised that the Power Company is not waiving any of its rights to contest or limit the exercise of your permit or a subsequent license or water right.

If you have any questions, please let us know.

Sincerely,

*David R. Tuthill, Jr.*

DAVID R. TUTHILL, JR.  
Supervisor, Water Allocations Section.

DRT:mr  
Enclosure

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State of Idaho  
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: BLS

APPLICATION NUMBER: 61-7396

CHECK:

Brown

- ☒ Source.  
☒ Point of diversion.  
☒ County.  
☒ Description of diverting works.  
☒ Time required for beneficial use of water.  
☒ Place of use or acres irrigated.  
☒ Map.  
☒ Signature.  
☒ Fee.  
☐ Yes ☒ No Field check required.  
☐ Yes ☒ No Critical groundwater area.  
☐ Yes ☒ No Request dam safety information. Sent by: \_\_\_\_\_ Date: \_\_\_\_\_  
☒ Yes ☐ No\* In form to receipt.

Field check by: \_\_\_\_\_

Date: \_\_\_\_\_

Comments: \_\_\_\_\_

\*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: \_\_\_\_\_

SEND COPIES TO:

- ☐ Idaho State Health Department.  
☐ Idaho Fish and Game Department.  
☐ Idaho Department of Lands.  
☐ U.S. Bureau of Land Management.  
☐ U.S. Forest Service.  
☐ Other \_\_\_\_\_

Copies sent by: \_\_\_\_\_

Date: \_\_\_\_\_

PROCESSING:

- ☐ Yes ☐ No Platted by: \_\_\_\_\_ Map No. \_\_\_\_\_  
☒ Yes ☐ No Other rights on same place of use. 61-7103 lapsed 61-7119  
filed on these lands & other DLE lands when 61-7119  
☒ Yes ☐ No\* In form for advertising. 61-7105 and 61-7396 are combined they equal  
Final date for protests: 2/4/80 less than 1"/acre  
☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 1/25/80  
☒ Application published correctly. If not, record action taken: \_\_\_\_\_  
☒ Fee amount, receipt date & number, recorded on application.  
☒ Publication dates and paper, recorded on application.  
☐ Protests, dates, withdrawal, etc., recorded on application.  
☒ Recommendation & initial, recorded on application.  
☐ Yes ☒ No Measuring device required.  
☒ Yes ☐ No Access port required.  
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what district? \_\_\_\_\_  
1/4/80 Date of priority recommended.  
Special conditions of approval or cover letter. I.P. cow letter.  
This right when combined with right No. 61-7119  
shall provide no more than 0.02 cfs per acre

By: DBS

Date: 2/11/80

STATE OFFICE REVIEW:

Send receipt w/ approved app.  
oic I.P. letter w/ access port cond

☐ See attached sheet for more information.

By: Jen

Date: 2/14/80

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61-2396-

BROWN, BERNARD L.

655 E. 19 N. MOUNTAIN HOME. ID 83647

Source: GROUNDWATER

Date Filed: 01/04/1980

Amount: 3.20 CFS

Diversion Point: NWNW Sec 20 T 04S R 06E, ELMORE Co.

Use: IRRIGATION (3.20 CFS) from 03/01 to 11/01

Place of Use: NENW NWNW SWNW Sec 20 T 04S R 06E FOR 160 ACRES

Diversion Means: WELL, PUMP, MAINLINE AND CENTER PIVOT

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STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES  
Western Region

92 South Cole Road  
Boise, Idaho 83709  
(208) 334-2190

JANUARY 10, 1980

Mountain Home News  
Drawer 0  
Mountain Home, ID 83647

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a reply proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated. Please send the affidavit of publication and publication billings to this office before FEBRUARY 4, 1980.

Yours truly,

Karla Knecht  
Secretary

Encl.

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Published 1/17 & 1/24/80.

Director

C. STEPHEN ALLRED

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 92 S. Cole Road, Boise, Idaho 83709, on or before FEBRUARY 4, 1980.

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho: